

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 7395
)	
Hiroshi KAWASHIMA et al.)	
)	Group Art Unit: 1612
Application No.: 10/581,941)	
)	
Filed: April 16, 2007)	Examiner: Isaac Shomer
)	
For: OIL OR FAT COMPOSITIONS CONTAINING PHOSPHOLIPIDS AND A LONG-CHAIN POLYUNSATURATED FATTY ACID SUPPLY COMPOUND, AND FOOD USING SAME)	

COMMUNICATION WITH REVISED INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Examiner Shomer contacted Applicants and indicated that the Information Disclosure Statement (IDS) submitted December 9, 2010, was submitted on the same day that an Office Action issued, and thus required either the fee or certification as set forth under 37 C.F.R. § 1.97(c). As the submitted IDS provided references based on a foreign search report within the three-month time period, Applicants now make the certification under § 1.97(e)(1). Attached hereto is the revised IDS with the requisite certification, as agreed to in the conversation with Examiner Shomer on April 1, 2010. The references are not being resubmitted, as agreed to, because they have already been scanned into the record.

Should the Office have any questions, please contact Applicants' undersigned representative at (202) 842-8821. Furthermore, please direct all correspondence to the below-listed address.

In the event that the Office believes that there are fees outstanding in the above-referenced matter and for purposes of maintaining pendency of the application, the Office is

authorized to charge the outstanding fees to Deposit Account No. 50-0573. The Office is likewise authorized to credit any overpayment to the same Deposit Account Number.

Respectfully Submitted,

Date: April 2, 2010

By: 

Mercedes K. Meyer, Ph.D., Esq.

Registration No. 44,939

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Commissioner for Patents
U.S. Patent and Trademark Office

Customer Window Mail Stop: ☐ New Application ☒ Amendment ☐ AF ☐ Issue
Fee
Alexandria, VA 22314

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

☐ **Under 37 C.F.R. § 1.97(b):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the undersigned's knowledge, this IDS is being filed before the mailing date of a first Office Action on the merits, before the mailing date of a first Office Action on the merits after filing an RCE under § 1.114, or within three months of the application filing date.

☒ **Under 37 C.F.R. § 1.97(c):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or another action that closes prosecution in the application.

☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; or

☒ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office (dated October 22, 2009) in a counterpart foreign application not more than three months (submitted before January 22, 2010) prior to the filing of this IDS.

☐ **Under 37 C.F.R. § 1.97(d):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(c) but before payment of the issue fee.

- ☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; and
- ☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☒ A search report or other listing of documents from a counterpart, related, or other application dated October 22, 2009 and having documents cited thereon is attached for the Examiner's consideration. Any of these documents not previously cited, and any additional documents are listed on the PTO Form 1449.

☒ Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. As for any document listed on the accompanying PTO-1449 that is in a language other than English, relevance can be understood from an enclosed English abstract or at least partial translation or from mention in the specification or in a search report for a corresponding application.

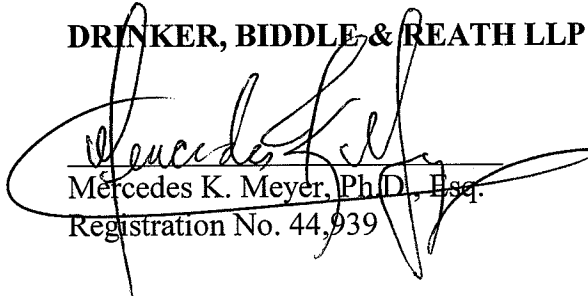
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP


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Registration No. 44,939

Dated: December 9, 2009

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